

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **People of MI v Reginald Dewayne Nelson**

Docket No. **269799**

L.C. No. **2002-401306 FH**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The delayed application for leave to appeal filed on April 17, 2006, is DISMISSED for lack of jurisdiction because the application for leave to appeal was not filed within 12 months of the May 15, 2002, judgment of sentence as required by MCR 7.205(F)(3), and the July 20, 2005, request for appellate counsel was not made within 12 months of the judgment of sentence as required by MCR 7.205(F)(4). See *People v Houlihan*, \_\_\_ Mich \_\_\_ (2008) (No. 128340, decided April 18, 2008), citing *Simmons v Kapture*, \_\_\_ F3d \_\_\_ (Docket No. 03-2609), for the rule that *Halbert v Michigan*, 545 US 605; 125 S Ct 2582; 162 L Ed2d 552 (2005), does not have retroactive application.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY - 8 2008

Date

*Sandra Schultz Mengel*

Chief Clerk